

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Tenacious T Trust, *Troy Smith Trustee*,

File No. 25-cv-1080 (ECT/DJF)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**Stanley C. Middleman, *CEO*; Freedom Mortgage Corp., *et. al.*; Chuck Wailliams, *CEO, also known as Charles*; and Northpointe Bank Bancshares Inc., *et. al.*,

Defendant.

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This case is before the Court on a Report and Recommendation issued by Magistrate Judge Dulce J. Foster on April 16, 2025. ECF No. 15 (“R&R”). Magistrate Judge Foster recommends dismissing the action without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute. R&R at 2. Plaintiff filed a three-page objection, challenging the timing for written objections, *see* D. Minn. LR 72.2(b)(1), and the requirement that proper objections be made to invoke de novo review, *see* D. Minn. LR 72.2(b)(3). *See* ECF No. 17. Plaintiff also appears to argue that it has not consented to the jurisdiction of the Local Rules. *See id.* at 1 (“No tacit agreement, adhesion contract, or compelled compliance exists that binds the undersigned or the Trust to these administrative local rules without full, knowing, and willing consent.”). Beyond these general procedural objections, Plaintiff does not make any specific objections to the substance of the R&R, nor does it request additional time to respond. *Id.* Because Plaintiff objected, the Court reviewed the Report and

Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3).

The Court concludes that Judge Foster's analysis and conclusions are plainly correct.

Accordingly, based on the foregoing, and on all the files, records, and proceedings herein, **IT IS ORDERED THAT:**

1. Plaintiff Tenacious T Trust's objections [ECF No. 17] to the Report and Recommendation are **OVERRULED**;
2. The Report and Recommendation [ECF No. 15] is **ACCEPTED**; and
3. The action is **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 14, 2025

s/ Eric C. Tostrud

Eric C. Tostrud  
United States District Court